

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PARI-MUTUEL WAGERING

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/16/2018
File #	2018-06703

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

DBPR Case No. 2018-028688

vs.

JOSEPH ROCCO DELLA SALA,

Respondent.

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FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), enters this Final Order against Joseph Rocco Della Sala (“Respondent”) and states as follows:

1. An Administrative Complaint was filed in this case on July 18, 2018, alleging violation of Rule 61D-11.011, *Florida Administrative Code*, and Section 550.0251(6), Florida Statutes (the “Administrative Complaint”). A true and correct copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. The Administrative Complaint, Election of Rights Form, an Explanation of Rights, and a cover letter were served upon Respondent on July 21, 2018 via certified mail. A true and correct copy of the Domestic Return Receipt from the United States Postal Service indicating such is attached hereto as Exhibit “2” and incorporated by reference.

3. The Election of Rights Form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the request for a

hearing, was due within twenty-one (21) days of actual service to dispute the allegations set forth therein. See § 120.569(1), Fla. Stat., and Fla. Admin. Code R. 28-106.111.

4. On or about August 7, 2018, Respondent executed his Election of Rights, indicating he did not dispute any allegations of material fact located in the Administrative Complaint, thereby waiving his right to any form of hearing and requesting that a Final Order imposing fines and/or penalties be entered in the instant matter. A true and correct copy of Respondent's Election of Rights Form is attached hereto as Exhibit "C" and incorporated by reference.

Upon consideration of the allegations of fact and conclusions of law delineated in the Administrative Complaint and Respondent's executed Election of Rights waving his right to a hearing, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact by the Division.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the conclusions of law by the Division.

3. There is competent substantial evidence to support the findings of fact and conclusions of law by the Division.

**THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

1. Respondent's pari-mutuel wagering cardroom employee occupational license, number 7637084-1012, is REVOKED.

2. Respondent is hereby PERMANENTLY EXCLUDED from all pari-mutuel facilities under the jurisdiction of the Division.

3. This Final Order shall become effective upon its filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 14 day of August, 2018.



**ROBERT EHRHARDT, DIRECTOR**  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035  
(850) 717-1768

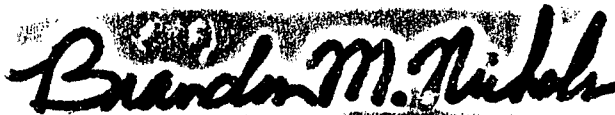
NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 2601 Blairstone Road, mail Stop G2, Tallahassee, Florida 32399, (AGC.Filing@myfloridalicense.com), and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty days rendition of this Order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been sent by regular United States Mail on this 16<sup>th</sup> day of August, 2018 to:

Joseph Rocco Della Sala  
709 9<sup>th</sup> Street  
Palm Harbor, Florida 34683

A handwritten signature in black ink that reads "Brandon M. Nichols". The signature is written in a cursive style and is positioned above a horizontal line.

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**AGENCY CLERK'S OFFICE**  
Department of Business and Professional Regulation

Cc:  
Deborah Matthews, AAII OGC/PMW  
Glenda Ricks, Chief of Operations/PMW

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

DBPR Case No. 2018-028688

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JOSEPH ROCCO DELLA SALA,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), files this Administrative Complaint against Joseph Rocco Della Sala (“Respondent”) and as grounds therefor alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to Chapter 550 and Section 849.086, Florida Statutes.
2. At all times material hereto, Respondent held a Pari-Mutuel Wagering Cardroom Employee Occupational License, number 7637084-1012, issued by the Division (“Respondent’s occupational license”).
3. At all times material hereto, Respondent was employed by Tampa Bay Downs.
4. At all times material hereto, Tampa Bay Downs was operated by a permitholder authorized to conduct pari-mutuel wagering and operate a cardroom in this state under the provisions of Chapter 550 and Section 849.086, Florida Statutes.

5. On or about May 29, 2018, Respondent was arrested in Hillsborough County, Florida (“Respondent’s arrest”).

6. Respondent failed to timely provide written notice informing the Division of Respondent’s arrest.

7. On or about June 14, 2018, Respondent was ejected from Tampa Bay Downs.

COUNT I

8. Petitioner hereby realleges and incorporates the allegations contained within paragraphs one through seven as though fully set forth herein.

9. Rule 61D-11.011, Florida Administrative Code (2018), provides that:

Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document.

10. Section 849.086(6)(f), Florida Statutes, provides that “[t]he division shall adopt rules regarding cardroom occupational licenses. The provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

11. Section 550.105(5)(b), Florida Statutes, authorizes the Division to “deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons.”

12. Based on the foregoing, Respondent violated Rule 61D-11.011, Florida Administrative Code, by failing to timely notify the Division of Respondent’s arrest. Consequently, the Division may, under the authority of Section 550.105(5)(b), Florida Statutes,

revoke Respondent's occupational license for his violation of Rule 61D-11.011, Florida Administrative Code.

COUNT II

13. Petitioner hereby realleges and incorporates the allegations set forth in paragraphs one through seven as though fully set forth herein.

14. Section 550.0251(6), Florida Statutes, provides:

The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

15. Based on the foregoing, Respondent, by virtue of his ejection from Tampa Bay Downs, is subject to exclusion from all pari-mutuel wagering facilities licensed in this state.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order:

- (1) Revoking Respondent's Pari-Mutuel Wagering Cardroom Employee Occupational License, number 7637084-1012;
- (2) Permanently excluding Respondent from all licensed Florida pari-mutuel facilities; and/or
- (3) Any other relief that the Division is authorized to impose pursuant to Chapter 550 and Section 849.086, Florida Statutes, and/or the rules promulgated thereunder.

*(Signature page to follow)*

This Administrative Complaint for DBPR Case No. 2018-028688 is signed this 6th day of July, 2018.

/s/ James A. Lewis  
**JAMES A. LEWIS**  
Assistant General Counsel  
Florida Bar No. 1002349  
[James.Lewis@MyFloridaLicense.com](mailto:James.Lewis@MyFloridaLicense.com)

/s/ Louis Trombetta  
**LOUIS TROMBETTA**  
Chief Attorney  
Florida Bar No. 0108119  
[Louis.Trombetta@MyFloridaLicense.com](mailto:Louis.Trombetta@MyFloridaLicense.com)

Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road, Mail Stop N21  
Tallahassee, Florida 32399-2202  
Telephone: (850)-717-1585  
Facsimile: (850) 921-1311

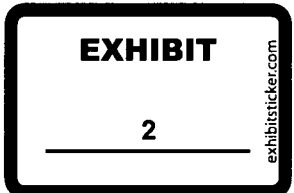
**NOTICE OF RIGHTS TO REQUEST A HEARING**

Pursuant to sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas *duces tecum* issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to rule 28-106.2015, Florida Administrative Code. Pursuant to rule 28-106.111(4), Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  X <i>Joseph Della Sala</i> <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  JOSEPH DELLA SALA</p> <p>C. Date of Delivery  7/21/18</p>
<p>1. Article Addressed to:</p> <p>Joseph Rocco Della Sala  709 Ninth Street  Palm Harbor, Florida 34683  AC 2018-028688-PMW/OGC</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No  If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>7006 3450 0003 5112 0667</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



7006 3450 0000 5112 0667

U.S. Postal Service <sup>TM</sup>  
**CERTIFIED MAIL <sup>TM</sup> RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	<b>MAILED</b> <b>7/19/18</b> Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

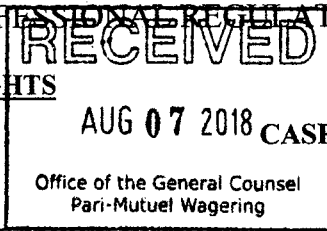
Total P<sub>c</sub> **Joseph Rocco Della Sala**

Sent To	<b>709 Ninth Street</b>
Street, Ap or PO Box	<b>Palm Harbor, Florida 34683</b>
City, State	<b>AC 2018-028688 PMW/OGC</b>

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

**ELECTION OF RIGHTS**

DBPR v. JOSEPH ROCCO DELLA SALA



PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

**Option (1)**  I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

**Option (2)**  I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

**In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:**

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

**Option (3)**  I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

JOSEPH DELLA SALA

PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

709 9th Street

Street Address

Street Address (where service shall be made)

Palm Harbor, FL 34683

City State Zip

City State Zip

727-505-3005

Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

josephrocco2008@yahoo.com

E-mail

E-mail

**THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:**

Office of the General Counsel  
Department of Business and Professional Regulation  
2601 Blair Street  
Telephone: (813) 323-9922  
**Attention: Debora** **Administrative Assistant II**

